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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,828	04/02/2004	John Piper	025538-00046	8872
4372	7590	08/24/2005	EXAMINER	
			PAPE, JOSEPH	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/815,828	PIPER ET AL.	
	Examiner	Art Unit	
	Joseph D. Pape	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 April 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/2/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

Claim Objections

1. Claims 5-6 are objected to because of the following informalities: In claim 5, line 1 is awkwardly phrased.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 8305812.

The DE '812 reference discloses the claimed invention including vending unit 1, rear 3 and side 2 doors and canopy 5.

4. Claims 1-2, 4-6 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 29616476.

The DE '476 reference discloses the claimed invention including a vending unit, rear 21 and side 20 doors and a canopy that comprises "flat material" which is connected to the corners of the doors and which spreads (see the English abstract).

Re claim 11, the vending unit also includes retractable counter units 12.

5. Claims 1-5, 7, 14-15 and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 19847860.

The DE '860 reference discloses the claimed invention including a vending unit 1, rear 8 and side 6 doors. Re claims 3 and 14, In the figure on the front of the reference a display unit or cabinet 33 in the form of a vending machine is shown. See column 3, lines 40-63.

Re claim 7, the door 6 includes electric lamps 17.

6. Claims 1, 2, 8-10, and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2269788.

The GB '788 reference discloses the claimed vending unit including two opening doors 5 at the rear of the vending unit which are both located on a side wall and a rear wall of the vending unit. The vending unit further includes two display and/or storage units 5 at the front of the vending unit wherein both display and/or storage units are extendable outside of the load space of the vending unit.

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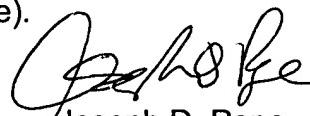
7. Claims 1-6, 11-13 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by the French reference 1270079.

The French reference '079 discloses the claimed vending unit including side door 5, rear door 6, display unit or cabinet 9, canopies unnumbered at the corners, and counter unit 19.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show other mobile vending units.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Pape whose telephone number is (571)272-6664. The examiner can normally be reached on Tuesday-Friday 6:30 AM-3:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571)-272-6659.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph D. Pape
Primary Examiner
Art Unit 3612


Jdp

August 18, 2005